

Silver Eel Preserve Stewardship Management Plan

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I. Introduction

The Plan herein attempts to balance public access with protecting the ecological integrity of Silver Eel Preserve. Located on Reservoir Road, Fishers Island, this waterfront preserve spans over 2 acres, allows for public access to and views of Silver Eel Cove, and can be seen from the Fishers Island Ferry Terminal. To fully implement this plan is estimated to cost \$6,920 in one-time costs. All expenses are eligible for reimbursement through the Community Preservation Fund, if budgeted.

II. Description of park

This 2.36 acre waterfront property is located on the west end of Fishers Island within the Town of Southold (SCTM# 1000-9-8-2.1; Appendices A and B). Silver Eel Preserve can be seen from the Fishers Island Ferry when coming in to dock into Silver Eel Cove. The term “silver eel” specifically refers to a sexually mature eel (10-25 years of age) that migrates back to the Sargasso Sea to spawn. As eeling was a common activity for the great majority of people living in the Northeast, the preserve’s name and the adjacent Silver Eel Cove and Silver Eel Pond pay homage to this pastime. See Appendix C for information on the details of the acquisition and historic use of the property.

The property contains a variety of ecological community types, including 800 ft of undeveloped shoreline, .7 acres of maritime beach, and 1.66 acres of upland habitat. Much of the upland habitat is disturbed, as evidenced by the topography, existing concrete slabs and rubble, existing asphalt driveway, and plant species assemblage. Most of the concrete slabs are overgrown with non-native invasive vines.

III. Public access and staffing

This Preserve is open to the public from dawn to dusk for passive recreational uses. Passive recreation includes:

- traditional low-intensity uses of preserved natural features and resources, such as hiking, bird watching, beach access, fishing and similar activities which are directly related to the natural qualities of the preserved open space (see Appendix D for Trail Etiquette and Safety)
- environmental research and education uses, such as citizen science surveys so long as these do not involve substantial alteration or improvement of the open space.

This Preserve is not staffed and special permits may be required as per Southold Town Code for organized events.

IV. Prohibited activities

The following list outlines uses prohibited on Town-owned open space lands covered by this management plan:

- (1) All activities not related to the purposes of the property acquisitions are prohibited.
- (2) Throwing, breaking, casting, laying or depositing any garbage, refuse, glass or any injurious substance of any kind or nature.
- (3) Use of gas-powered engines (vehicles and equipment) with the exceptions of vehicles and equipment necessary for approved stewardship work and emergency/public safety vehicles.

- (4) Willfully destroying, injuring, defacing, damaging, removing or displacing any town-owned property, including the trails.
- (5) Events including, but not limited to, weddings, parties, reunions, flea markets, swap meets, antique shows, and car shows.
- (6) Maintaining a camp, trailer or other structure.
- (7) Conducting any business, solicitation or advertising.
- (8) Campfires or bonfires.
- (9) Possessing or discharging any fireworks.
- (10) The building, placing, or moving of any structures including, but not limited to windmills and cell towers not otherwise approved in this management plan.
- (11) The creation of any athletic fields including, but not limited to, basketball courts, volleyball courts, soccer fields, football fields and baseball fields.
- (12) Irrigation systems.
- (13) Sports activities, including league games.
- (14) Digging and artifact recovery.
- (15) Woodcutting.
- (16) Removal of vegetation.
- (17) Hunting, except for as part of the Southold Town Deer Management Program.
- (18) Trapping of wildlife with the exception of Town-approved trapping of diseased wildlife and feral cats.
- (19) Abandonment of pets or other domesticated animals.
- (20) Feeding wildlife, including geese.
- (21) Use of gas-powered Other Power Driven Mobility Devices (OPMDs) – see Appendix E

V. Park maintenance

This park is designed to require a low amount of maintenance. The costs and responsible entities for seasonal maintenance of the signage, periodic mowing of the open-canopy portion of the trails, and maintenance of the trail corridors are outlined in Table 1.

Table 1. Silver Eel Preserve Stewardship Management Plan -- Budget and Timeline
 Notes: All expenses in this budget are eligible for CPF reimbursement, if budgeted

Number	Action	Subaction	Lead Entities	Cost				Notes	Timeline					
				One-time	Yearly				Winter 2012	Spring 2012	Summer 2012	Fall 2012	Winter 2013	
				Supplies	Supplies	Personnel	Subcontract							
1	Agreements													
1a		Develop, execute and implement formal multi-year agreement for general preserve maintenance	Southold Town Land Preservation Dept & Henry L. Ferguson Museum Land Trust		n/c	n/c	n/c							
2	Public access amenities													
2a		Maintain Preserve Sign	Southold Town Dept of Public Works		n/c	n/c	n/c							
2b		Mow the open-canopy portion of the trails	Southold Town Dept of Highways		n/c	n/c	n/c							
2c		Maintain trail corridors by clipping	Henry L. Ferguson Museum Land Trust	\$180	n/c	n/c	n/c	Troy-bilt TB525 EC Curve Shaft Gas String Trimmer						
Totals				\$180										

VI. Public access amenities

This section includes a description of the infrastructure required for the preserve. The details of the public access amenities including design, wording, materials, costs, implementation timeline, and responsible entities are addressed in the implementation plan (Appendix F).

A. Main entrance and signs

The main entrance is marked by a Silver Eel Preserve sign (8½"x11") at the entrance of the existing asphalt parking area (~40 ft long and an area of ~341 ft²). No Town of Southold Boundary signs shall be installed on the perimeter of the property.

B. Parking area

Parking is available on the existing asphalt and along Reservoir Road.

C. Trailhead kiosk

A trailhead kiosk is not planned for this preserve.

D. Trails

Two trails shall be maintained at the Silver Eel Preserve. The beach trail is for the purpose of getting to the beach. The bluff trail is a hiking loop passing along the bluff, with a short spur to the edge of the bluff overlooking the water. Both trails originate from the asphalt driveway, are relatively easy to traverse and are each less than .2 miles. The trails are not marked with markers.

The beach trail is considered to be a multiuse single track trail (*i.e.*, an unpaved, narrow gauge trail, suitable for multiple activities, including hiking and mountain biking). The width of the trail shall be maintained at 4ft wide, a clearing width shall be maintained at 6ft (1 ft on each side of the tread), and a clearing height of 8ft, as per the New York State trail guidelines (NYSOPRHP, 2008). The base of the trail will remain the original ground (*i.e.*, no wood chips or other substrates to be added without the explicit approval of the Southold Town Land Preservation Committee). In-line electric-powered other power driven mobility devices (OPDMDs) not to exceed 26" inch maximum width and a maximum wheel width of 6" are allowed (see Appendix F).

The bluff trail is considered a pedestrian single track trail (*i.e.*, an unpaved, narrow gauge trail, suitable for hiking only). The tread width shall be maintained at three feet wide, a corridor clearance of five feet (one foot on each side of the tread), and a vertical clearance of eight feet. The base of each trail will remain the original ground (*i.e.*, no wood chips or other substrates to be added without the explicit approval of the Southold Town Land Preservation Committee).

VII. Obsolete manmade structures

Structures associated with the preserve's past use serve as an attractive nuisance, may compromise the park visitor's experience, and may compromise the ecological integrity of the site. Details for removing specific manmade structures including costs, implementation timeline, and responsible entities are addressed in the implementation plan (Appendix F).

VIII. Ecological management

A. Threatened and endangered species

Animal species listed as threatened or endangered may be present on the preserve, including beach-dependant bird species. Monitoring for these species should be conducted and appropriate site specific plans implemented, if necessary.

B. Osprey

An osprey platform is located to the west of the bluff trail spur (see Appendix F). Osprey (*Pandion haliaetus*) populations drastically declined in the 50's and 60's due to DDT-induced eggshell thinning. Since the ban of DDT, populations have rebounded markedly. In fact, ospreys were downgraded in 1999 to a NYS species of special concern.

C. Biological diversity at the genetic level

To the maximum extent practicable, plants and seeds used in any future restoration will be from local genotypes. In the fields of restoration ecology and conservation biology, conserving biodiversity has long been focused at the habitat, population, and species levels. Recently, the importance of protecting biodiversity at a *genetic* level has gained recognition and momentum as the implications of the loss of biodiversity within native plant populations and communities have become apparent.

D. Invasive species management

Eradicating invasive species commonly found throughout Long Island from a given landscape solely for the purpose of eradicating the invasive is not a priority for Town-owned lands and will not be undertaken. However, invasive species encroaching on a trail will be managed in order to keep the trail open.

The introduction of exotic and invasive plants and animals poses a clear threat to native species and the integrity of the natural communities we remember as children. Recently, some natural resource managers have been moving towards accepting non-native species, and the novel ecosystems they create as inevitable. Novel ecosystems are commonly thought of as new combinations of species that arise through human action, environmental change, and the impacts of introduced species from other parts of the world (Hobbs et al., 2006; Seastedt et al. 2008.).

While this line of thinking does not mean that resource managers should stop managing invasive species, invasive species will only be managed on this property in two scenarios:

- when a known population of endangered, threatened, species of special concern, locally rare or unique native species or ecological community is directly jeopardized.

- select early detection/rapid response (EDRR) species will be managed as per an EDRR plan.

Early detection and rapid response (EDRR) efforts address invasive plants and animals while infestations are small; once populations become widely established, they become very difficult and expensive to control (*e.g.*, asian long-horned beetle). Action thresholds and management practices for managing EDRR species will be outlined in a Town-wide EDRR response plan and coordinated with the Long Island Invasive Species Management Area (LIISMA; see <http://nyis.info/liisma/default.aspx>).

IX. References

Hobbs RJ, Arico S, Aronson J, *et al.* 2006. Novel ecosystems: theoretical and management aspects of the new ecological world order. *Global Ecol Biogeogr* 15: 1–7.

Seastedt TR, *et al.* 2008. Management of novel ecosystems: are novel approaches required? *Frontiers in Ecology and the Environment* 6: 8 pp.

New York State Office of Parks, Recreation and Historic Preservation. 2008. The New York State Statewide Comprehensive Outdoor Recreational Plan and Generic Environmental Impact Statement 2009-2013. Accessed online at:



Appendix B. Aerial Photograph (2004)



Appendix C. Acquisition information and historic use of the property

Acquired in October 2007 from FITF LLC, the property was purchased by the Town of Southold for \$770,000 through the Community Preservation Fund. The acquisition is for the preservation of open space and falls under the multiple purposes of the Community Preservation Project Plan, including, but not limited to, the preservation and protection of open spaces and scenic values, and undeveloped beachlands and shorelines.

The property was part of a 3.29 acre parcel that was split zoned (R-80 and MII). Silver Eel Preserve was the R-80, 2.36-acre portion and the MII portion was re-zoned to R-40 and retained by FITF LLC.

From the late 1890's through the mid-1950's, the acreage was part of Fort H.G. Wright. The site was then owned by the Gada Fuel and Service Company in the 1950s. Gada used the portion of the site now zoned R-40 for the loading and distribution of fuel oil to island customers from approximately the late 1960s through 1990. The Gada Construction Company then used this portion of the site for painting building materials from 1990 through 1993. Remediation efforts were completed in 2007.

According to the Henry L. Ferguson Museum, no significant historical resources have been identified at the site.

Appendix D. Trail Etiquette and Safety

The following rules have been established so that all users may safely enjoy the trails:

Trail Hours: Follow park hours; generally 8 am – dusk

Yield Right-Of-Way: When meeting other users on the trails, other power driven mobility devices yield to all other trail users; cyclists yield to pedestrians and horses; pedestrians yield to horses.

Obey All Posted Signs: Note any safety condition warnings and restrictions on use (*e.g.*, type of OPDMDs allowed, trails limited to walkers/hikers only, etc.).

Pets Allowed: Dogs must be on a leash and under control; pet/horse clean-up is required.

Stay on Marked Trails: These are the safest and best routes through the park. You may damage sensitive wildlife habitats or natural resources by straying off the marked trails.

Pack it in --- Pack it out: Carry out garbage and leave the area clean for the next visitor to enjoy.

Be Weather Wary–Note Trail Conditions: You use the trails at your own risk, so please pay special attention to freezing temperatures and rain, snow, mud or ice. These can create slippery conditions on bridges and walkways, and on both paved and natural surface trails.

Prepare Before You Visit: Learn about the trails before venturing out for the first time. Plan your route, and bring a map.

Wear a Helmet: Bicyclists and inline OPDMD users are required by NY state law to wear a helmet (appropriate safety gear is recommended for everyone).

Know your limits: It takes about 20 minutes to walk 1 mile (1.6km) at a brisk pace. A one mile walk can take much longer at a slower pace. All OPDMDs must obey a speed limit of 5 mph when other users are present; 10 mph when other users are not present.

Protect yourself from ticks: Stay away from tall grass and shrubby areas; wear tick repellant; tuck long pants into socks; and check yourself for ticks during and after each visit to the parks.

Avoid Poison Ivy: Stay on the trails—it's your best defense. Remember: "leaves of three, let it be"

Appendix E. Americans with Disabilities Act Title II Rules – Accessible Trails

I. Background

The Department of Justice has issued revised Americans with Disabilities Act (ADA) Title II rules applying to state and local government programs. The new rules, which took effect March 15, 2011, provide a definition of a wheelchair and other power driven mobility devices (OPDMDs) and add additional provisions identifying where they can be used (28CFR §§ 35.104, 35.137). An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include vehicles, ATVs, golf cars, Segway® personal transporters, or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes (28CFR § 35.104). These rules allow a mobility device to be permitted in any areas open to pedestrian use.

Under the new rules, municipalities must make reasonable modifications to public access policies and establish procedures to allow the use of OPDMD devices by individuals with mobility disabilities unless the municipality can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements (28CFR § 35.137(b)(1)). The ruling is not about trail construction.

II. Definitions

Other power-driven mobility device – As per 28CFR §35.104, any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

Wheelchair - As per 28CFR §35.104, a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Electric-powered mobility devices - any mobility device powered by batteries, including multiple passenger carts (three or four wheels), electronic personal assistance mobility devices (such as the Segway PT), battery-powered bikes (two or three wheels) and single passenger scooters (three or four wheels).

Gas-powered mobility devices - any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio fuel or combination thereof, including all-terrain vehicles, carts (three or four wheels), off-road bikes (two or three wheels), motor scooters (two or three wheels), motor cycles (two wheels), tractors and vehicles (four wheels).

Tandem wheel device - A two, three or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.

Inline wheel device - A two-wheeled mobility device where the wheel direction of travel are aligned in the same plane.

III. Assessment

An assessment of the trails has been completed and a determination made regarding which OPDMD devices are authorized for use on specific trails. As per 28CFR §35.130, a public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

As per 28CFR §35.137, a public entity shall consider the following five factors when determining whether a particular other power-driven mobility device can be allowed in a specific facility:

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) The facility's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

A. Permissible and Non-Permissible OPDMD

i. Gas-powered mobility devices

Gas-powered mobility devices are not permitted on Town of Southold-owned open space lands. The exclusion of gas-powered mobility devices, as compared to electric-powered mobility devices, is due to the engine noise a gas powered vehicle produces and is justified as per iii and v of the Mobility Devices Assessment Factors.

Scientists are finding that the acoustic environment is far more intricate and fragile to animal populations than previously thought. While once thought of as a random collection of bird songs and animal cries, the natural soundscape is actually a coordinated grouping of acoustic signals, with animal calls spread across the acoustic spectrum. Current research is bringing to light the effects of manmade noise on wildlife populations. Animals ranging from blackbirds to beluga whales are changing their calls (*i.e.*, amplitude, timing and duration of signals) and even switching to new frequencies to minimize acoustic competition (Brumm, 2004; Fuller 2007; Okeanos 2008; McDonald 2006; Wood and Yezerinac 2006). Others, such as the European blackbirds, are adapting in ways that may be creating new subspecies (Slabbekorn and Ripmeester 2008). Human-created sounds can also interfere with an animal's decisions about food selection, mate selection, and predator detection; for example, researchers have found that

hermit crabs are distracted by boat noise, preventing them from paying attention to potential predators (Chan and Blumstein 2011). Some animals are disappearing from a given area altogether (Slabbekorn and Ripmeester 2008).

While the noise of a gas-powered mobility device creates a significant zone of disturbance to the activities of wildlife, it also negatively impacts the visitor experience. Southold Town open space preserves provide relief from an increasingly urban environment. The noise from gas-powered mobility devices poses a health risk to adjacent recreationalists when it exceeds 70 dB. The USEPA has set 70dB as the 24-hour yearly hearing-protective level and exposure to greater levels would produce more than 5 dB hearing loss in at least some of the population (USEPA, 1974). The World Health Organization states that “in spaces for workers to relax or sleep and which are related to workplaces as on ships or on drilling platforms the background noise level should be below 70 dB(A)” (World Health Organization, 2001). Most gas-powered vehicles, such as ATVs and gas-driven motor bikes, exceed this noise level.

ii. Electric-powered mobility devices

Electric-powered mobility devices are permitted on Town of Southold-owned open space lands with certain limitations. All trail users are required to stay within authorized trail footprints to avoid serious harm to natural and cultural resources. As such, the types of electric-powered mobility devices that can be used are limited to specific trail categories since single track trails do not provide adequate space for safe passage of trail-users traveling in opposing directions to other power-driven devices.

B. Trail Assessments and Limitations

Southold Town’s trails can be categorized into three different types, with specific limitations and justifications as listed below.

i. Multiuse Service Trail

Examples of a multiuse service trail are unimproved and unpaved roads, typically greater than 8 feet in width. In-line and tandem electric-powered mobility devices not to exceed 36” inch maximum width shall be allowed.

These limitations are justified as per i and v of the Mobility Devices Assessment Factors. These trails are typically wide enough for one-way vehicle traffic, and this width restriction allows for safe passing of OPDMD devices, bicycles and pedestrians on unpaved roads. In addition, characteristics of select electric OPDMDs create a substantial risk of substantial harm to the environment or natural resources.

ii. Multiuse Single Track Trail

An example of a multiuse single track trail is an unpaved, narrow gauge trail suitable for multiple activities, including hiking, mountain biking or equestrian riding. In-line electric-powered mobility devices not to exceed 26” inch maximum width and a maximum wheel width of 6” shall be allowed.

These limitations are justified as i and v of the Mobility Devices Assessment Factors. These are narrow trails where two-way traffic would require pedestrians to step off the trail and harm

natural resources when allowing passage of OPDMD devices larger than 26" wide. In addition, characteristics of select electric OPDMDs create a substantial risk of substantial harm to the environment or natural resources.

iii. Pedestrian Single Track Trail

An example of a pedestrian single track trail is an unpaved, narrow gauge trail suitable for hiking only. This type of trail is for natural areas and steep terrain where environmental or topographic constraints require no user impact to natural resources. No OPDMD devices shall be permitted on these trails.

These limitations are justified as per all (i-v) of the Mobility Devices Assessment Factors. Trail users are required to stay within the authorized trail footprint to avoid serious harm to natural or cultural resources.

C. Other Notes

- Within all Southold Town Open Space lands, all OPDMDs must obey a speed limit of 5 mph when other users are present; 10 mph when other users are not present (Note: An average hiker walks one mile in about 20 minutes at a brisk pace)
- All OPDMDs must stay on designated trails or bikeways at all times.
- All users of two-wheel devices shall wear a helmet when operating those devices in compliance with New York State Law.

IV. References

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- McDonald, M.A. *et al.* 2006. Increases in deep ocean ambient noise in the northeast Pacific west of San Nicolas Island, California. *The Journal of the Acoustical Society of America* 120(2):711-718.
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- World Health Organization. 2001. Occupational exposure to noise: evaluation, prevention and control. Edited by Berenice Goelzer, Colin H. Hansen and Gustav A. Sehrndt. Published on behalf of the World Health Organization by the Federal Institute for Occupational Safety and Health, Dortmund, Germany. 334 pages. ISBN 3-89701-721-0
- USEPA. 1974. "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA/ONAC 550/9-74-004, March, 1974.

Appendix F. Implementation Plan

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Attachments

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I. Introduction

The implementation plan herein details the construction of public access amenities, the removal of obsolete manmade structures, and the implementation of ecological management projects. To fulfill this plan in its entirety is estimated to cost \$6,740 in one-time costs (see Table 1). All expenses are eligible for reimbursement through the Community Preservation Fund, if budgeted. This plan will be updated by the Land Preservation Department without further action of the Town Board if there is no significant change to cost or intent.

II. Public access amenities

A. Preserve sign

The Silver Eel Preserve sign (8½"x11") will be erected on the right side of the existing asphalt parking area as you are facing the preserve.

B. Trails

i. Beach Trail

Much of the beach trail already exists. The beginning of the trail shall be reconfigured so that it starts at the asphalt parking area instead of the adjacent private property (see Attachment A). The old trail entrance will no longer be mowed, allowing the habitat to revert to its natural state.

ii. Bluff Trail

About half of the proposed trail currently exists. The trail will be extended into a loop along the bluff (see Attachment A).

III. Obsolete manmade structures

A. Monitoring well

The monitoring well previously used to gauge the cleanup effort on an adjacent property shall be decommissioned. The well shall be filled with concrete and capped.

B. Wooden tower

The modest, dilapidated wooden tower shall be dismantled and the wood will remain on site.

IV. Ecological management

A. Osprey

An osprey platform shall be erected to the west of the bluff trail spur.

Table 1. Silver Eel Preserve Stewardship Management Plan - Implementation Plan -- Budget and Timeline
Notes: All expenses in this budget are eligible for CPF reimbursement

Number	Action	Subaction	Lead Entities	Cost			Notes	Timeline					
				One-time				Winter 2012	Spring 2012	Summer 2012	Fall 2012	Winter 2013	
				Supplies	Personnel	Subcontract							
1	Public access amenities												
1a		Create and erect Preserve Sign (8.5"x11")	Southold Town Dept of Public Works	\$250	included in 1b	n/c	sign, lumber, fasteners						
1b		Construct trail system	Southold Town Dept of Public Works	n/c	\$5,790	\$600	Subcontracts: \$600 for R/T transportation on Ferries (Cross Sound and Fishers Island) - two trucks, a trailer, 4 people						
2	Obsolete manmade structures												
2a		Decommission monitoring well	Southold Town Dept of Public Works	\$100	included in 1b	n/c							
2b		Dismantle delapidated wooden tower (leave on site)	Southold Town Dept of Public Works	n/c	included in 1b	n/c							
3	Ecological management												
3a		Erect an osprey pole	Henry L. Ferguson Museum Land Trust	no cost	no cost	no cost							
Totals				\$350	\$5,790	\$600							

Attachment A Silver Eel Preserve Trails

